



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,194	09/30/2003	Robert M. Currie	C2ABU007.14	9620
7590 06/09/2005			EXAMINER	
Merek, Blackmon & Voorhees, LLC			TON, ANABEL	
673 S. Washington St.			ART UNIT	
Alexandria, VA 22314			PAPER NUMBER	
			2875	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,194

Applicant(s)

CURRIE ET AL.

Examiner

Anabel M. Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-16 and 21 is/are rejected.
- 7) ☒ Claim(s) 11, 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 14-16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tjonneland and further in view of Conti (6,742,909).

- Tjonneland discloses the claimed invention except for the recitation of translucent rope surrounding and enclosing the illuminated core. Tjonneland discloses at least one translucent fiber optic core (Figs 2-11, reference teaches optical cable, a fiber optic core is made of optical cable), at least one light source selectively emitting light through at least one translucent core (inherent since fiber optical cable does produce light on its own), at least one translucent fiber optic core emitting the light received from the at least one light source radially therefrom (figs 2 and 14, col. 5 lines 40-44), the fiber optic core has at least one elongate strand of fiber optic material having a first and second end and the material is rigid. Conti discloses an illuminated core having a light transmissible rope braided around the illuminated core (col. 2 lines 60-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of the light transmissible rope of Conti in the device of Tjonneland in substitution of the transparent tape being used in the device for the purpose of

Art Unit: 2875

providing a strong light transmissible braided structure to hold the illuminated fiber optic core of Tjonneland.

- With regards to the rope and tubular over lay being translucent, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to make the rope and tubular overlay of Conti translucent since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947).

3.

- The light transmissible rope of Conti is a braided rope having a hollow core; Conti further includes a translucent tubular overlay (40) surrounding the translucent rope.
- With regards to at least one pattern being woven into the braided rope, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to weave a pattern into the braided rope since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947).
- The Tjonneland reference's fiber optic core is PMMA. Although the reference does not specifically teach acrylic as the material used, it would have been

obvious to one of ordinary skill in the art at the time the claimed invention was made to use acrylic as the material for the fiber optic core since acrylic is old and well known in the art for its light transmissive properties particularly in light guide applications.

- With regards to the fiber optic core comprising a hollow tube. Tjonneland discloses the fiber optic strands in a hollow tube (ex. Ref. Num. 48, 50, 54). With a plurality of spaced apart lights disposed internally in the fiber optic tube, (Fig 8, 12, 40, 46);
- Tjonneland discloses a support structure (col. 12 lines 24-42);
- Tjonneland's fiber optic core comprises a hollow three dimensional sculpture (sculpture is a relative term that may mean any desired decorative structure);
-

4. Claims 7-10, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tjonneland and in further view of Conti as applied to claims 1-6 above, and further in view of Knauer et al.

5. Tjonneland in further view of Conti disclose the invention as described above except for the recitation of a portable modular adapter for connecting to at least to one fiber optic core, the adapter having a light source (12). Knauer teaches a portable modular adapter for a fiber optic lighting system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of

Knauer's portable adapter in the device of Tjonneland in view of Conti, since Knauer's adapter is purposeful for portable fiber optic lighting system applications.

- Knauer's device also includes a plug and socket connection (fig 5); Knauer's device discloses a wall outlet plate (side of 12) having a configuration for removably receiving at least one end of a fiber optic core component (66,58); A light disposed within the wall outlet plate (col. 6 lines 16-33); the wall plate further includes at least one connection receptacle being a socket (66); At least one connector for removably connecting at least a first end and a second end of at least one fiber optic core (62,64), the connector has a socket and fitting that is compatible with the fiber optic end receptacles;

Allowable Subject Matter

6. Claims 18-20 are allowed.
7. Claims 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach in combination the elongate fiber optic strand with a translucent braided rope surrounding it, the connector body having at least two illuminated rope end connector sockets , forming at one light passage through the connector body, the fiber optic core comprises a freestanding three dimensional hollow structure.

Response to Arguments

9. Applicant's arguments, see pp 11, filed 03/15/05, with respect to the rejection(s) of claim(s) 1-10, 12-16 under Tjonneland, Conti and Knauer have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tjonneland in view of Conti and Tjonneland in view of Conti and further in view of Knauer.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2875

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

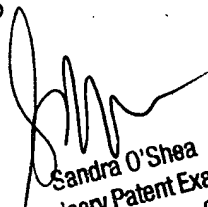
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMT

Anabel M Ton
Examiner
Art Unit 2875



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800